If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Mr. Peter L. Michaelson, Esq. at (732) 530-6671 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Status of pending claims

Claims 106-108 have each been slightly amended. No other claims have been amended; no claims have been canceled.

Rejections under 35 USC § 103

The Examiner has maintained his prior rejection of claims 3-10, 12-18, 20-25, 27-33, 35, 37-44, 46-52, 54-59, 61-67, 69, 71-78, 80-86, 88-93, 95-102, and 104-108, as they stood prior to this amendment, under the provisions of 35 USC § 103 as being obvious over the teachings in the Judson patent (United States patent 5,737,619 issued on April 7, 1998 to D. H. Judson) taken in view of those in the Capek et al patent (United States patent 6,094,677 issued to P. G. Capek et al on July 25, 2000). This rejection is respectfully traversed.

The Examiner states in his final action and with respect to the independent claims, as they stood prior to this amendment, that although each of these claims states that "the code eliminates the need to store content within the web page, no positive step is provided by such language". Furthermore, the Examiner illustratively points to inclusion of a reference in a web page to an image as

eliminating a need for the web page to store the content of the image. Given that, the Examiner opines that "the two are decoupled, if the image file were edited, the changes would be seen interstitially without changing any of the web page coding. Simply changing the ad image files would enables [sic] changes to an ad campaign without requiring editing of the web pages themselves."

The Applicants have now amended each of their independent claims to more precisely define their present invention, specifically to recite a positive structural limitation involving the embedded code and additional functional limitations pertinent to execution of the embedded code.

For the sake of brevity, the Applicants will not repeat their prior discussion of the salient teachings of each of these two applied patents. Instead, the Applicants will simply direct the Examiner's attention to their prior amendment filed January 22, 2002 and specifically to pages 7-13 and 16-19 thereof for a detailed discussion of the Judson '619 and Capek '677 patents, respectively.

However, to facilitate understanding as to why the present invention, as currently claimed, is not rendered obvious by the combined teachings of these two patents, the Applicants will repeat portions of their prior amendment that describe the present invention but now supplemented with additional discussion pertinent to the present claim amendments.

Specifically, the Applicants' inventive technique, as described on page 22, line 14 et seq of the present

specification, relies on embedding an advertising tag (generally "embedded code") within each of a number of different web pages ("referring web pages") stored on one or more remote network web servers. The advertising tag is very compact and contains two components: one component for downloading a script from a specified distribution server, and the other component being a network address of an information management server (e.g., an advertising management server). The advertising code does not contain any reference to the advertisement (generally speaking an "information object") which that code will ultimately cause to be politely downloaded and thereafter interstitially displayed.

During the course of browsing the web, a user may select and download to his(her) client browser a "referring" web page that happens to contain such a tag. As that web page is downloaded, the browser processes, in particular through a run-time interpretive process, the coding of that page, including the embedded advertising tag itself. Hence, what the Examiner must keep in mind is that a user first requests a web page to be downloaded. If that web page contains the Applicants' inventive tag, then and only then, as that page is being downloaded and processed by the client browser, will the browser eventually process the embedded tag during interpretation of the page.

Once the tag is processed, the client browser downloads a script from its corresponding distribution server, which, in turn when executed, downloads and instantiates an agent. Once the agent is itself executing under the browser, the agent issues a download request to

the information management server, as specified in the advertising tag.

In response to this download request, the information management server -- NOT THE CLIENT or its BROWSER -- selects a given advertisement (more generally an information object) to be rendered at the requesting client browser and then downloads a corresponding AdDescriptor (manifest) file to the client. This selection is made by the server and not the client browser.

The browser, in turn (and through the agent), reads the AdDescriptor file and issues, in succession, a separate request to download each media player file (to the extent it does not then reside on the client computer) and each content (media) file, both as specified in the AdDescriptor file, for that particular advertisement. Once all these files have been "politely" downloaded (i.e., in background during idle time of the network connection to the client browser) from either the management server or a different server, the advertisement is queued for playing and will be played (by the agent) during an ensuing interstitial interval.

As the Examiner can appreciate, when the Applicants' advertising tag is executed during processing of its accompanying referring web page, that execution effectively starts a process in motion which results in: a download request being launched to a remote ad management server; that server then selecting an information object (illustratively an advertisement) for downloading and display; thereafter, files for that object being politely downloaded, from their source locations, to the client

browser; and eventually those files being processed by the client computer (specifically the Applicants' agent executing under the browser) so as to interstitially display the object.

Since the Applicants' inventive tag does not contain any reference to the information object, the referring web page is totally decoupled from not only the address of that object but also the content of that object. No such content is stored in the page or appended to it, nor needs to be. Nor is there any need to pre-store any content for that object on the client.

Whenever, e.g., an advertiser desires to change an advertisement, it does not need to change any of the referring web pages since, as noted, the advertising tags in those pages do not reference any advertisements. All that needs to occur is that suitable changes be made to a single AdDescriptor file for each such advertisement and that, to the extent needed, any new media content specified in that AdDescriptor file be remotely stored on a server for subsequent access.

As to the Capek '677 patent, it specifically teaches the concept of providing, through an insertion manager (20 shown in FIG. 2), an insertion in a stream of requested program material in response to a user, through his(her) client browser, issuing a request for that material. In the context of web pages, a client browser, under instruction of a user, would issue a download request to a remote server to download a desired web page. This request would travel through the insertion manager which, in turn, would select an appropriate insertion and send that

insertion to the client browser. The client would then interstitially display the insertion while program material is being retrieved from remote server 26. Hence, the client request for a web page triggers access and downloading of an insertion.

If this approach were to be combined with the relevant teachings of the Judson '619 patent, then the resulting teachings would not yield the present invention. In fact, something quite different would result.

Specifically, the resulting teachings, rather than having each object locally stored within or appended to a specific web page (or located somewhere else locally within the client computer) and accessed for subsequent interstitial display -- as taught by the Judson '619 patent, would mandate that that object be remotely stored and selected by an external insertion manager. This manager would be interposed between the client computer and a remote web page server. Hence, whenever a user then requested a page served by that server, the request, rather than retrieving a locally stored object for subsequent interstitial display, would be intercepted by the insertion manager. This manager in turn, would select an object, return that object to the client browser for subsequent interstitial display. Note that, as taught by the Capek '677 patent, the issued page request itself and not the execution of any tag in a corresponding web page, would cause the object to be selected and downloaded.

The present invention dispenses with any need to route page requests and ensuing retrieved page content through an intermediate mechanism, such as an insertion

manager. Instead, the present invention relies on embedding the inventive tag within a referring web page. The execution of that tag within a referring web page directly causes download of an object for interstitial display -- a page request does not. If a page does not contain such a tag, then, through use of the Applicants' inventive web-based ad distribution methodology, neither that page itself nor any request itself for that page will result in an object being downloaded for interstitial display.

This is a basic, fundamental distinction.

There are simply no teachings in either the Judson '619 or Capek '677 patents directed to use of embedded code (specifically a tag) within a page, which when that code is executed while that page is being processed, downloads an object for interstitial display such that the code is totally decoupled from the content of the object, i.e., by not containing any reference to the object, and where the object is remotely selected by a server, not by the client computer.

Hence, any combination of the teachings of these two applied patents simply falls way short of disclosing the present invention, either implicitly or explicitly, or even suggesting that invention to one skilled in the art.

With the above in mind, the Applicants will now direct their attention to the Examiner's belief that merely changing an image file, for an interstitially displayed web advertisement, would enable a change to be made to an advertising campaign while dispensing with any need to change a referring web page that references that file.

Clearly, if that file were to be edited, the edits would be subsequently and interstitially reflected to their viewers. That much of the Examiner's view is indeed certain.

However, simply changing an image file would wreck havoc if that file can be accessed by viewers for other purposes, i.e., if that file were then shared. For example, that image file may not only be used as part of a present advertisement in one campaign, but might also form part of various advertisements for other campaigns, or other content. Alternatively, that image may be part of an image collection which is rented or otherwise disseminated to others; or employed for other third-party uses. Any changes to a shared file would affect all uses across which that image file were then shared, not just the present advertisement or its campaign. While changing the shared image file in a particular advertisement will certainly modify a given ad campaign, doing so will extend the same change to all other current uses of that image which, in turn, could then adversely affect and corrupt all other content which incorporates that image. Therefore, if an image file is shared -- as it may well be, then contrary to the Examiner's view, changes to that image for a given ad campaign can not simply be made by changing the contents of that file.

In order to properly change a shared file for one purpose, that file would probably be copied and separately stored with changes being made to just the copy and the copy, rather than the original file, then being used for that purpose.

But, in view of the approach expressly taught by the Judson '619 patent, making such changes would still require changing each and every referring web page that utilizes the changed image. Specifically, each referring web page that causes that particular image to be interstitially displayed contains an explicit association to that image -- whether that image is embedded within or appended to that page, or resident elsewhere within the client computer. Hence, any change to the image would require either changing the explicit association to point to the copied (and changed), rather than the original, image file or, for each such page in which the original image is embedded within or to which that image is appended, simply embedding within or appending a changed image object to each such page.

As previously discussed, changing each and every referring web page is a tedious, costly and utterly impractical result -- one that, as previously discussed in their prior amendment, has been advantageously solved by the present Applicants!

As discussed above, the present invention totally decouples content of an object that is to be interstitially displayed from its referring web page. Advantageously, changes to that object can be made without changing any such page at all. Through the present invention and in the context of a web advertisement, suitable changes are made to a single AdDescriptor file for that advertisement and also, to the extent needed, any new media content files specified in the AdDescriptor file are stored on, e.g., an ad management server for subsequent access.

The present invention, as now claimed, is simply not taught or suggested by the two applied references, either taken singly or in the combination urged by the Examiner.

Independent claim 106 contains appropriate recitations directed to the present invention. Specifically, this claim recites as follows, with those recitations shown in bolded type:

> "A computer readable medium storing a first web page wherein the first web page comprises a plurality of computer readable instructions, the instructions representing page content and **embedded code, wherein the code, when executed by a client computer during processing the instructions on the web page, causes the computer to:**
>
> **communicate a request to a management server;**
>
> **as a result of the request, download, from a network server or the management server and while the computer renders the first web page to a user through an output device operative in conjunction with the computer, at least one file which is to be subsequently employed, by the processor, to render an information object, the information object being selected by the management server; and**
>
> **in response to a user-initiated event, detected by the computer, for transitioning from the first web page to a next successive web page and which signifies a start of a next interstitial interval, suspend further downloading of files and process the one file so as to render the information object through the output device to the user during the interval; and**

wherein the code does not contain any reference to the information object such that use of the code eliminates a need to store content for the information object within the first web page thereby decoupling the object content from the first web page."
[emphasis added]

Nearly identical and parallel distinguishing recitations appear in the Applicants' other pending independent claims, i.e., method claim 107 and apparatus claim 108.

As such, the Applicants submit that each of their independent claims, namely claims 106, 107 and 108, is not rendered obvious by the teachings in the Judson '619 or Capek et al '677 patents, whether taken singly or in the combination posed by the Examiner.

Accordingly, the Applicants submit that each of their independent claims is patentable under the provisions of 35 USC § 103.

Each of the remaining claims, specifically claims 3-10, 12-18,20-25, 27-33, 35, 37-44, 46-52, 54-59, 61-67, 69, 71-78, 80-86, 88-93, 95-102 and 104 and 105, depends, either directly or indirectly, from independent claim 106, 107 or 108 and recites further distinguishing features of the present invention. Therefore, the Applicants submit that each of these dependent claims is patentable over the teachings of these two patents for the same exact reasons set forth above. Hence, the Applicants submit that each of these dependent claims is also patentable under the provisions of 35 USC § 103.

Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 USC § 103.

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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